

## **REMARKS**

The Examiner has made a new art rejection with respect to claim 38 and has rejected claim 38 under 35 U.S.C. §102 as anticipated by Evans, newly cited.

Claim 38 distinguishes at least by reciting that the data object identifiers themselves carry information in addition to said patient name about a content of the respective data objects comprising at least one of said additional information types selected from said group consisting of said laboratory reports, study results, diagnostic findings and billing data of the respective medical patient so that the data objects are systematically classified and arranged for association with access right categories. This new claim language is based at least in part upon Applicant's specification disclosure at p. 4, lines 11-21. At column 8, lines 25-31 of Evans it is described that the patient locator 200 generates a unique patient identifier for each patient and the data records are related to the patient's unique identifier. That is how in Evans the doctor finds a patient file – namely by entering the patient's name which is correlated to a patient ID. At column 15, lines 24-34, Evans discloses that physicians may have access only to patient records within their specialty and staff may have access to only those patient records within their immediate care. Evans does not disclose how he accomplishes this. However, it is clear that nowhere does Evans ever teach that the identifier for the data file in addition to the patient's name or ID also has additional information types in it based on additional information types stored in the data object and comprising at least one of the information types laboratory results, study results, diagnostic findings, and billing data of the respective medical patient. Rather, in Evans apparently (although not taught directly), the different data categories within a data file of the patient themselves contain indications as to who could access that portion of the data file. But this clearly is not

a teaching that the data object identifier itself carries additional information supplementing the patient's name which is used when correlating to access right categories. Thus claim 38 readily distinguishes.

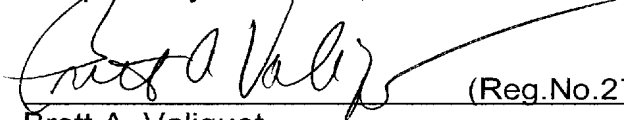
Claim 38 next distinguishes by reciting providing a separate data object category storer for said association of said data object identifiers with said access right categories so that access rights can thereby be determined from the data object itself. As explained above, this is clearly not the case in Evans who only uses the patient ID or the patient's name to find the patient's data file but that locator does not contain additional information of the types recited which is used for association of the data object identifiers with access right categories.

Finally, claim 38 recites at the end of the claim using said data object identifiers to determine which access right category is associated with the data object which the medical field user is attempting to access. Again as explained above, in Evans the locator is only used to find the patient file and does contain the additional information recited

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Respectfully submitted,



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